

AMENDED IN SENATE JUNE 18, 1996

AMENDED IN SENATE JUNE 5, 1996

AMENDED IN SENATE MAY 21, 1996

AMENDED IN SENATE APRIL 22, 1996

**SENATE BILL**

**No. 1983**

**Introduced by Senator Haynes  
(Coauthor: Senator Solis)**

February 23, 1996

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An act to add Section 4024.4 to the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

SB 1983, as amended, Haynes. Victim notification program.

Under existing law, notice of any hearing to review or consider the parole suitability or the setting of a parole date for any prisoner in a state prison shall be sent, upon request, by the Board of Prison Terms at least 30 days before the hearing to any victim of a crime committed by the prisoner, or to the next of kin of the victim if the victim has died.

This bill would require the board of supervisors of each county *with the prior concurrence of the county sheriff* to establish a notification procedure to provide information of the release of any person incarcerated at, or arrested and released on bail from, a county jail or any other local detention facility to those persons who have requested to be notified. The bill would authorize the county to contract with a private

entity to implement this procedure. Because the bill would create additional duties for local agencies, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

*This bill would further provide that its provisions shall not become operative unless a county can obtain reimbursement from the State Mandates Claims Fund for the costs of implementing the provisions.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 4024.4 is added to the Penal  
2 Code, to read:  
3 4024.4. (a) The board of supervisors of each county,  
4 *with the concurrence of the county sheriff before*  
5 *implementation*, shall establish a notification procedure  
6 to provide information of the release of any person  
7 incarcerated at, or arrested and released on bail from, a  
8 county jail or any other local detention facility, ~~as defined~~  
9 ~~in Section 6031.4~~, to those persons who have requested to  
10 be notified. The county may contract with a private entity  
11 to implement this procedure.  
12 (b) Notwithstanding any other law, the sheriff or other  
13 official in charge of a county jail or any other local  
14 detention facility, ~~as defined in Section 6031.4~~, shall make  
15 available to any private entity under contract pursuant to  
16 subdivision (a) all information necessary to implement  
17 the notification procedure in a timely manner. The

1 private entity under contract shall be responsible for  
2 retrieving the information and notifying the requester  
3 through computer or telephonic means and, if unable to  
4 notify the person requesting the information by these  
5 means, the sheriff or other official in charge of a county  
6 jail or any other local detention facility, as defined in  
7 Section 6031.4, shall send written notification by mail.

8 (c) The sheriff or other official in charge of a county  
9 jail or any other local detention facility, ~~as defined in~~  
10 ~~Section 6031.4,~~ shall work cooperatively with law  
11 enforcement agencies within the county and local victim  
12 centers established under Section 13835 to ~~ensure that~~  
13 ~~information about the notification procedure is provided~~  
14 ~~to victims of crime.~~ *implement the program.*

15 (d) *As used in this section, "local detention facility"*  
16 *means a facility specified in subdivision (a) or (b) of*  
17 *Section 6031.4.*

18 (e) *This section shall not become operative unless a*  
19 *county can obtain reimbursement pursuant to Part 7*  
20 *(commencing with Section 17500) of Division 4 of Title*  
21 *2 of the Government Code for the costs of implementing*  
22 *this section.*

23 SEC. 2. Notwithstanding Section 17610 of the  
24 Government Code, if the Commission on State Mandates  
25 determines that this act contains costs mandated by the  
26 state, reimbursement to local agencies and school  
27 districts for those costs shall be made pursuant to Part 7  
28 (commencing with Section 17500) of Division 4 of Title  
29 2 of the Government Code. If the statewide cost of the  
30 claim for reimbursement does not exceed one million  
31 dollars (\$1,000,000), reimbursement shall be made from  
32 the State Mandates Claims Fund.

33 Notwithstanding Section 17580 of the Government  
34 Code, unless otherwise specified, the provisions of this act  
35 shall become operative on the same date that the act  
36 takes effect pursuant to the California Constitution.